

3688. Misbranding of "Family Physician." U. S. v. Houchens Medicine Co. Plea of guilty. Fine, \$75. (F. & D. No. 5844. I. S. No. 9665-e.)

On November 16, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Houchens Medicine Co., a corporation organized under the laws of the State of Delaware, and having a place of business in Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 15, 1913, from the State of Maryland into the District of Columbia, of a certain article of drugs known as "Family Physician," which was misbranded. The drug was labeled: (On carton) "The Family Physician Alcohol 12 per cent Compound For Coughs, Colds, Bronchitis, Hoarseness, Diphtheria, Measles, Scarlet Fever, Typhoid Fever, and Great Blood Purifier. Prepared only by Houchens Medicine Company, Baltimore, Md. Guaranteed by Houchens Medicine Company not adulterated or misbranded within meaning of Pure Food and Drug Law. Serial No. 1957. New Style Adopted. The Public is hereby assured that this is the Genuine and Original Family Physician. Dr. J. T. Houchens. None are Genuine except that manufactured by Houchens Medicine Company, Baltimore Md. Dr. John T. Houchens." (On bottle) "The Family Physician Alcohol 12 Per Cent. Guaranteed under Pure Food and Drugs Act of June 30, 1906. Serial No. 1957. For Coughs, Colds, Bronchitis, Diphtheria, Scarlet Fever, Measles, Typhoid Fever, and all Diseases of Throat and Lungs Prepared by Houchens Medicine Company. Baltimore. Directions. Adult, from one teaspoonful to a tablespoonful. Child 1 month old, 10 to 15 drops in sugar and water, child 3 months old, 25 to 30 drops in sugar and water, child 6 months old,  $\frac{1}{4}$  teaspoonful in sugar and water, child 1 year old  $\frac{1}{2}$  teaspoonful in sugar and water and so on; repeat every four hours. For dangerous and sudden attack of Croup, warm the medicine before giving. For the Blood take morning and night. For Neuralgia take a large dose on retiring. For Dyspepsia one hour after meals. For Diphtheria give a full dose regular, and if the Nostrils are affected pour a little warm Vaseline in the nose while patient lies on their back and mop the throat. For Fever you need not give anything else but this Medicine, it will keep the rash out itself. For Consumptives take only a small dose when cough comes on. We do not claim to cure this disease but it will relieve better than any known remedy. For Headache take as above regular every 4 hours. For Liver, Kidneys, Biliousness, Costiveness and Indigestion, take full dose every four hours. For Cases of Small Pox take plenty and often.—Use freely. Give no Hot Teas, just give the medicine and what Pimples are under the Skin will come out, the rest will be carried off by the medicine. Guaranteed not adulterated or misbranded, within the meaning of Pure Food and Drugs Act of June 30, 1906. Serial No. 1957. Houchens Medicine Company, Baltimore." (On circular, in part) "It will positively relieve malaria, scarlet fever, typhoid, bilious and intermittent fevers, coughs, colds, cold on the liver and kidneys, diphtheria and sore throat. Also a wonderful and positive remedy for dyspepsia, keeps measles out nicely, regulates the bowels without trouble, and by purifying the blood prevents your liability to disease."

Analysis of a sample of the product by the Bureau of Chemistry, of this department, showed that the product was a sirup containing 19.2 per cent non-volatile matter, 8.9 per cent alcohol, anise, and a vegetable cathartic drug.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the said label aforesaid, to wit, (On carton) "Compound for \* \* \* diphtheria, measles, scarlet fever, typhoid fever"; (On bottle) "For

\* \* \* scarlet fever, measles, typhoid fever and all diseases of throat and lungs," were false and fraudulent in this, that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the relief and cure of diphtheria, measles, scarlet fever, typhoid fever, and all diseases of throat and lungs, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the relief and cure of diphtheria, measles, scarlet fever, typhoid fever, and all diseases of throat and lungs.

Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effect of said article, included in the circular or pamphlet aforesaid, to wit, "It will positively relieve malaria, scarlet fever, typhoid, \* \* \* intermittent fevers, coughs, \* \* \* cold on the liver and kidneys, diphtheria and sore throat. Also a wonderful and positive remedy for dyspepsia, keeps measles out nicely, \* \* \* and by purifying the blood prevents your liability to disease"; were false and fraudulent in that, by means of the said circular or pamphlet they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that the said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the relief of the following diseases, among others, to wit, malaria, scarlet fever, typhoid, intermittent fevers, coughs, cold on the liver and kidneys, diphtheria and sore throat, and effective as a remedy for dyspepsia and effective for preventing measles and liability to disease, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, any ingredients or medicinal agents effective for the relief of malaria, scarlet fever, typhoid, intermittent fevers, coughs, cold on the liver and kidneys, diphtheria and sore throat, or effective as a remedy for dyspepsia or effective for preventing measles and liability to disease.

On January 5, 1915, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$75.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*